

Board Members

David P. Yandell, Ph.D.
Chairperson
Maryann Santos de Barona, Ph.D.
Vice-Chairperson
Michael J. Rohrbaugh, Ph.D.
Secretary
Denise M. Bainton, J.D.
Wil R. Counts, Ph.D.
James J. Cox, Ed.D.
Manuel H. Delgado, Jr., J.D.
Joseph C. Donaldson
Maureen K. Lassen, Ph.D.



State of Arizona Board of Psychologist Examiners

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Staff

Maxine McCarthy
Executive Director
Marcus E. Harvey
Deputy Director
David S. Shapiro
Investigator
Shari S. Courtney
Administrative
Assistant

REGULAR SESSION MINUTES

1400 West Washington
Basement Conference Room, #B-1
Phoenix, AZ 85007

Friday, August 1, 2003

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairperson Yandell at 8:35 a.m. on Friday, August 1, 2003. Three Executive Sessions were 8:51 a.m. to 9:26 a.m., 10:55 a.m. to 11:00 a.m. and 1:02 p.m. to 1:16 p.m. for the purpose of obtaining confidential legal advice from the Board's attorney.

2. ROLL CALL

Board Members Present

David P. Yandell, Ph.D. - Chairperson
Maryann Santos de Barona, Ph.D. - Vice-Chairperson
Michael J. Rohrbaugh, Ph.D. - Secretary
Denise M. Bainton, J.D.
James J. Cox, Ed.D.
Joseph Donaldson
Maureen K. Lassen, Ph.D.

Board Members Absent

Wil R. Counts, Ph.D.
Manuel H. Delgado, Jr., J.D.

Staff Present

Maxine McCarthy, Executive Director
Marcus Harvey, Deputy Director
David Shapiro, Investigator
Shari Courtney, Administrative Assistant

Attorney General's Office

Nancy J. Beck, J.D.
Assistant Attorney General

3. REMARKS/ANNOUNCEMENTS

Dr. Yandell announced that documentation was available for licensees who wished to receive continuing education credit for attending Board meetings. He also stated that anyone was welcome to complete a Board meeting assessment survey.

4. APPROVAL OF MINUTES

- **Regular Session – June 6, 2003**

A motion was made by Dr. Lassen, seconded by Dr. Cox, and unanimously carried (6-0-1), with Ms. Bainton abstaining from the vote, to approve the June 6, 2003 Regular Session minutes, with a correction.

- **Executive Session – June 6, 2003**

A motion was made by Dr. Lassen, seconded by Dr. Santos de Barona, and unanimously carried (4-0-3), with Drs. Cox and Yandell and Ms. Bainton abstaining from the vote, to approve the June 6, 2003 Executive Session minutes, with two corrections.

- **Conference Call Regular Session – July 3, 2003**

A motion was made by Dr. Cox, seconded by Ms. Bainton, and unanimously carried (4-0-3), with Drs. Lassen, Rohrbaugh and Yandell abstaining from the vote, to approve the July 3, 2003 Conference Call Regular Session minutes.

5. CALL TO THE PUBLIC

Chairperson Yandell gave the public the opportunity to address the Board at this time. Steve Myers, J.D., attorney for Dr. Kim Kalas, addressed the Board, asking that a Board member request that the issue of correcting or clarifying the terminology in her June 10, 2003 Letter of Concern be placed on a future Board meeting agenda.

6. REQUEST TO SPEAK REGARDING BOARD CASE PURSUANT TO A.R.S. § 32-3108

Chairperson Yandell also gave the public the opportunity to address the Board at this time regarding a Board case, but no one wished to speak.

7. DISCUSSION/DECISION REGARDING COMPLAINT No. 02-55 – RONALD J. LAVIT, Ph.D.

A court reporter was present and the transcript shall serve as the official record of this proceeding. Dr. Yandell made a motion, seconded by Dr. Cox, and unanimously carried (7-0), to move into Executive Session for the purpose of obtaining confidential legal advice from the Board's attorney.

Upon return to open session, Board members proceeded to deliberate. A motion was made by Dr. Cox, seconded by Ms. Bainton, and unanimously carried (7-0), to rescind the informal interview notice to Dr. Lavit. Dr. Cox then made a motion, seconded by Dr. Lassen, and unanimously carried after further discussion (7-0), to issue a letter of concern to Dr. Lavit, expressing the Board's concerns that the Affidavit he prepared in this case contained numerous factual inaccuracies; that there were inconsistencies between his session notes and the Affidavit; that the Affidavit did not identify the specific referral allegation that an emergency existed with the children, and did not state that no emergency existed.

8. DISCUSSION/DECISION REGARDING WHETHER INFORMATION PROVIDED TO THE BOARD FROM D.P. REGARDING ANTHONY LUICK, Ph.D. IS WITHIN THE BOARD'S JURISDICTION TO OPEN AN INVESTIGATION

Board members proceeded to discuss the information provided to the Board. Dr. Yandell made a motion, seconded by Dr. Lassen and unanimously carried (7-0), to decline to open an investigation because the information did not allege facts which, if true, would be within the Board's jurisdiction.

9. DISCUSSION/DECISION REGARDING WHETHER INFORMATION PROVIDED TO THE BOARD FROM R.C. REGARDING SUSAN SASLOW, Ph.D. IS WITHIN THE BOARD'S JURISDICTION TO OPEN AN INVESTIGATION

Board members proceeded to discuss the information provided to the Board. Dr. Yandell made a motion, seconded by Dr. Lassen and unanimously carried (7-0), to decline to open an investigation because the information did not allege facts which, if true, would be within the Board's jurisdiction.

10. DISCUSSION/DECISION REGARDING INITIAL REVIEW OF REQUESTS FOR INVESTIGATION (RFI)

a) RFI 03-14 – Marion Selz, Ph.D.

David Shapiro, Board Investigator, summarized the allegations and Board members proceeded to deliberate. A motion was then made by Ms. Bainton, seconded by Dr. Rohrbaugh, and unanimously carried (7-0), to dismiss the case, as there was no violation of the Board's statutes or rules.

b) RFI 03-15 – Kenneth Goldberg, Ed.D.

Mr. Shapiro summarized the allegations for the Board. Board members proceeded to deliberate. After some discussion, a motion was made by Dr. Lassen, seconded by Dr. Santos de Barona, and unanimously carried (7-0), to dismiss the case, as there was no violation of the Board's statutes or rules.

c) RFI 03-16 – Sarah Hallett, Ph.D.

Cynthia Fulton, J.D., attorney for Dr. Hallett, made a statement to the Board. Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. A motion was made by Ms. Bainton, seconded by Dr. Lassen, and unanimously carried (7-0), to dismiss this case, as there was no violation of the Board's statutes or rules.

d) RFI 03-17 – Fritz Hardt, Ph.D.

The Complainant was present and made a statement to the Board. Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. After some discussion, Dr. Santos de Barona made a motion, seconded by Dr. Lassen, and unanimously carried, (7-0), to offer a consent agreement to Dr. Hardt, agreeing that he violated A.R.S. § 32-2061(A)(13)(g) and (o), with the findings of fact to be drafted by the Board's attorney from the Board's discussion.

In the consent agreement Dr. Hardt would agree not to engage in the practice of psychology in any capacity in the State of Arizona and to not renew his license to practice psychology in Arizona; within 60 days of the order, refund all fees to Ms. D. and the insurance company for services provided to Ms. D. and the children prior to October 26, 2002; and that within 30 days of the Board's Order, Dr. Hardt would provide a copy of the signed Consent Agreement, Findings of Fact, Conclusions of Law, and Order to each State of Arizona regulatory agency from which he holds a current license or credential, and provide satisfactory evidence to the Board that he has done so.

e) RFI 03-18 – Robbie Adler-Tapia, Ph.D.

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. Dr. Lassen made a motion, seconded by Dr. Santos de Barona, and unanimously carried (7-0), to move into Executive Session for the purpose of obtaining confidential legal advice from the Board's attorney.

Upon return to open session, Board members resumed deliberations. It was the consensus of the Board to continue the case to obtain additional information.

f) **RFI 03-19 – Alan Goldberg, Psy.D.**

Dr. Alan Goldberg was present with his attorney, Steve Myers, J.D., who made a statement to the Board. Mr. Shapiro summarized the allegations for the Board. Dr. Rohrbaugh stated that he has had some professional and social contact with Dr. Goldberg in Tucson, but that it would not bias his participation in this case. Board members then proceeded to deliberate. A motion was made by Mr. Donaldson, seconded by Dr. Cox, and unanimously carried (7-0), to dismiss this case, as there was no violation of the Board's statutes or rules.

g) **RFI 03-20 – Sergio Martinez, Ph.D.**

Mr. Shapiro summarized the allegations for the Board. Ms. Beck advised the Board that it did have jurisdiction in this case because although the complainant is charged with a violation of A.R.S. title 13, chapter 14, the evaluation by Dr. Martinez was not judicially ordered. Board members proceeded to discuss the case. A motion was made by Dr. Rohrbaugh, seconded by Dr. Santos de Barona, and unanimously carried (7-0), to dismiss this case, as there was no violation of the Board's statutes or rules.

h) **RFI 03-21 – Carlos Vega, Psy.D.**

This case remained ongoing.

11. **COUNSEL REPORTS**

- **Litigation**

- ❖ **Board v. McDonald 1CA-CV02-0518** – Nancy Beck, Assistant Attorney General, informed the Board that this case is still in the Court of Appeals, awaiting the Court's decision.
- ❖ **Luick v Board – LC 2003 – 000235 - 001DT** – Ms. Beck reported that Dr. Luick's opening brief was due shortly.
- ❖ **Stapert v. Board – LC2003 – 00640 – 001DT** – Ms. Beck reported that Dr. Stapert has filed suit regarding the Board's denial of his Motion for Rehearing or Review. She emphasized that Dr. Stapert was not granted a stay of the Board's order in Superior Court, contrary to information that may have been circulating in the public. A minute entry by the court stating such was erroneously entered and a corrective minute entry would be entered, Ms. Beck reported. Oral argument was scheduled for August 18.

12. **EXECUTIVE DIRECTOR'S REPORT**

Financial – Ms. McCarthy reported that although she had not yet received the final year end figures from ADOA Accounting, the Board would be closing FY03 having spent only 79% of its appropriated funds. She also reported that the Board had collected approximately \$531,700 in license renewal fees, 10% of which is deposited in the State General Fund. Ms. McCarthy explained that the Board's fund balance, while healthy, must now sustain the Board until the next renewal period in March of 2005.

- **Legislative Update** – Ms. McCarthy reported that she had recently received a telephone call from a legislative analyst who stated that two psychologists had contacted legislators seeking revisions to the Board's statutes. Ms. McCarthy stated that although she had not seen specific language, it appeared that the revisions being proposed to the legislators were similar to those discussed by the Board's Task Force on Complaint Process.

13. LICENSING REPORT

- **New Licenses Issued** – Marcus Harvey, Deputy Director, reported that the Board had licensed the following 13 psychologists since the June meeting, one of them by credential:

3581	Riggs, Dawn, Ph.D.	3588	Smiley, Norine, Ph.D.
3582	Feldman, Julie, Ph.D.	3589	Bengtson, Bradley, Psy.D.
3583	Clouse, Glenn, Psy.D.	3590	Darby, Betty, Ph.D.
3584	Morris, Carolyn, Ph.D.	3591	Zeiger, Carolyn, Ph.D.
3585	Shelton-McBryde, Diane, Psy.D.	3592	Klein, Lynn, Ed.D.
3586	Telfer, Leslie, Ph.D.	3593	Walker, John, III, Psy.D.
3587	Ventura-Cook, Elizabeth, Ph.D.		

Mr. Harvey reported that the Board had issued 48 new licenses this year, compared with only 27 licenses issued by this time last year. Mr. Harvey reported that 86 new licenses were issued during FY03. This represented a 54% increase in the average number of licenses issued in a fiscal year.

- **EPPP Results** – Mr. Harvey then reported that the following seven applicants passed the Examination for Professional Practice in Psychology (EPPP) in May and June, with none failing:

<u>Pass</u>	<u>Fail</u>
Bradley Bengtson, Ph.D.	None
Glenn Clouse, Psy.D.	
Julie Feldman, Ph.D.	
Carolyn Morris, Ph.D.	
Dawn Riggs, Ph.D.	
Norine Smiley, Ph.D.	
John Walker, III, Psy.D.	

- **New Applications** – Finally, Mr. Harvey then reported that the Board had received 51 new applications this year, with 21 applications received in the past two months alone. That compared to only 32 applications received by this time last year. During FY03, Mr. Harvey reported the Board received 96 new applications, which represented a 30% increase in the average number of applications received in a fiscal year.

13. COMMITTEE REPORTS

- **APPLICATIONS REVIEW COMMITTEE**

- **Requests to Sit for the EPPP** – Dr. Cox made a motion, seconded by Dr. Lassen, and unanimously carried (7-0), that the following applicants, having met the requirements of A.R.S. § 32-2071 and A.A.C. R4-26-203, be approved to sit for the Examination for Professional Practice of Psychology, and for licensure upon receipt of a passing score on the Examination, and payment of the pro-rated original license fee:

- **Esther Acosta, Ph.D.**
- **Terri Fernandez-Tyson, Ph.D.**
- **Martina Ritchhart, Ph.D.**

Dr. Cox announced that the following applications remained ongoing:

Ann Green, Ph.D.
Michael McLaughlin, Ph.D.
Daniel Schulte, Ph.D.

- **Requests for Licensure** – Dr. Cox then announced that the following applications also remained ongoing:
 - Raymond Anderson, Ph.D.
 - Anita Peterson, Ph.D.
 - Gerald Peterson, Ph.D.
 - Carlos Quezada-Gomez, Psy.D.
 - Ann Renard, Ph.D.
 - Bruce Tollefson, Ph.D.
- **Requesting Licensure by Credential** – Dr. Cox announced that the application of Jeffrey Hersh, Ph.D. also remained ongoing.
- **Ratification of Licenses Issued by Credential** – Finally, Dr. Cox made a motion, seconded by Dr. Lassen, and unanimously carried (7-0), to ratify the issuance of licensure by credential to **Betty Darby, Ph.D.**, who had met the requirements of A.R.S. § 32-2071.01(B).

15. DISCUSSION/DECISION REGARDING SELECTION OF DELEGATE FOR ASPPB ANNUAL MEETING IN SCOTTSDALE – OCTOBER 16-19, 2003 AND A DELEGATE FOR ASPPB INTERNATIONAL CONGRESS ON LICENSURE AND CREDENTIALING OF PSYCHOLOGISTS IN MONTREAL, QUEBEC – APRIL 21-24, 2004

After some discussion, it was the consensus of the Board to have Dr. Counts attend the ASPPB Annual meeting in Scottsdale on Thursday, October 16, 2003 to give the Board's welcome. Drs. Yandell, Santos de Barona and Rohrbaugh would attend on Friday, October 17, and Drs. Yandell, Santos de Barona and Cox attending on Saturday, October 18. Finally, Dr. Counts was selected as the Board's delegate to the ASPPB International Congress on Licensure and Credentialing of Psychologists in Montreal, Quebec on April 21-24, 2004.

16. ADJOURNMENT

There being no further business to come before the Board, a motion was made by Ms. Bainton, seconded by Dr. Yandell, and unanimously carried (7-0), to adjourn the meeting at 3:25 p.m.

Prepared by:

**Marcus Harvey
Deputy Director**

Respectfully submitted,

**/s/ Michael J. Rohrbaugh, Ph.D.
Secretary**